

Human Rights and Cryptography: a (brief) look at state interference

Human Rights Law

- Universal Declaration of Human Rights
- European Convention on Human Rights
- Grundgesetz (Germany)
- Human Rights Act 1998 (UK)

State Restrictions

- Non-absolute rights can be restricted when it is
 - Lawful
 - Legitimate
 - Proportionate
 - Necessary in a democratic society

For the purpose of national security, public safety, curbing
criminality

Encryption and Surveillance

- European Union “chat controls”
- In the UK:
 - Investigatory Powers Act 2016
 - Online Safety Bill (in consultation)

Why does it matter?

- Misuse of data gained through surveillance
 - Experian's Mosaic AI profiling tool, used by Durham Police Force (2018)
- Erosion of the right to privacy and private correspondence
- Erosion of the right to freedom of expression

Online Safety Bill

- Goal: to protect internet users from illegal and harmful content
- Indirectly requires weakening or removal of end-to-end encryption (E2EE)

No Place to Hide

- Online campaign to associate E2EE with online child grooming and pornography – despite its many legitimate uses (banking, shopping, communication)
- Collaboration of child protection charities but funded by UK government
- Assisted by M&S Saatchi, a media relations/advertising company

Summary

- E2EE upholds democracy and human rights
- Balancing opposing rights is a difficult exercise
- Be aware of state use of emotional argument